IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

MACA.No. 1534 of 2007()

OPMV.1340/2005 of the M.A.C.T.OTTAPPALAM
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APPELLANT/RESPONDENT NO.3

THE MANAGER, ORIENTAL INSURANCE CO.LTD BRANCH OFFICE, JYOTHI SUPER BAZAR, THODUPUZHA P.O PUTHUPPARIYARAM, PALAKKAD. NOW REP. BY ITS ASST. MANAGER & AUTHORIZED SIGNATORY MOTOR THIRD PARTY CLAIMS CELL, METRO PALACE, REGIONAL OFFICE, NORTH RAILWAY STATION ROAD, ERNAKULAM, KOCHI.18.

BY ADV. SRI.S.MAMMU

RESPONDENTS: PETITIONERS:
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1. **BALAKRISHNAN, AGED 72 YEARS, MANAKKOTTIRI KUNNATH HOUSE, RESIDING AT PUTHEKARA, P.O. ANJUR-MUNDUR, THRISSUR-680549.**

2. **GIRIJA, AGED 42 YEARS, S/O.DECEASED SARASWATHY AND P.BALAKRISHNAN, RESIDING IN THE ABOVE ADDRESS.**

3. **SUNDARAN, AGED 39 YEARS, S/O.DECEASED SARASWATHY AND P1.BALAKRISHNAN, RESIDING IN THE ABOVE ADDRESS (THE IST AND 2ND RESPONDENTS IN THE CLAIM PETITION ARE NOT A NECESSARY PARTY AND HENCE NOT ARRAYED AS A PARTY IN THE APPEAL).**

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

M.A.C.A.NO.1534 OF 2007 (I)

Dated this the 16th day of August, 2007

J U D G M E N T

KOSHY,J.

This appeal is filed by the Insurance company questioning the quantum of compensation awarded. A 55 year old woman died in a motor accident. Her husband and two children filed application for compensation before the Motor Accident Claims Tribunal, Ottappalam. Tribunal found that accident occurred due to the negligence of the driver of the vehicle duly insured by the appellant Insurance company. Deceased was 55 years old. Tribunal has taken 8 as the multiplier. Even though husband was aged and two sons were also there and 40% of the compensation was to be awarded to them. Considering the age of the motor accident victim and the amount awarded, we are of the view that no interference is required in the multiplier of 8 adopted by the tribunal. The age of the claimant can be the criteria for fixing multiplier only in case of death of an

unmarried person. It is submitted that Rs.3,000/- taken as the monthly income was on the high side. According to the claimants, she was running a poultry farm, apart from the fact that she was a house wife. Service of house wife to the family is also not valueless. According to the claimants, the monthly income of the deceased was Rs.4,500/- from the poultry business. In ***Lata Wadhwa and others v. State of Bihar and others (2001 (8) SCC 197)***, the Honourable Supreme Court held that in the absence of any data, for services of house wives, Rs.3,000/- can be taken as the monthly income. Here accident occurred in 2005. Tribunal also deducted $^{1}/_{3^{rd}}$ for the purpose of calculating compensation. In the above circumstances, we are of the view that just and reasonable compensation was awarded and no interference is required in the award and hence this appeal is dismissed.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

2nd July, 2007